

REMARKS

The present amendment is submitted in response to the Office Action dated July 31, 2003, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by November 30, 2003.

Claims 11-20 are pending in this application.

In the Office Action, claims 11 and 14-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,438,487 to Mingo et al. Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mingo et al in view of U.S. Patent No. 4,924,399 to Kaiser et al.

In this amendment, the specification was amended to add appropriate headings and to delete reference to the claims.

The claims were amended generally to replace "characterized in that" with "wherein". Claim 11 was amended to more clearly define the elements of the claimed circuit arrangement.

With regard to the substantive rejection of the claims, the Applicants respectfully disagree that the cited references anticipate or make obvious the subject matter of the present invention.

The primary reference to Mingo, in the passages cited by the Examiner, discloses a common starter system. However, the starter system of Mingo fails to include a memory circuit between the computer and starter relay. Since no memory circuit is provided, then obviously it is not possible that the memory

circuit can maintain the existing control signal (STEN) for the starting relay during a chronologically limited undervoltage of the battery, as defined in claim 11 of the present application.

In general, it not provided in any sense that the computer delivers a control signal to the starting relay. In addition, the Mingo figures provide that the computer and the development of the starting relay at starting lie on the same connector of the voltage supply. The problem of the computer and its associated storage assembly is that the internal combustion engine is regulated, not the starter.

As described in Mingo in column 3, line 17, the starter control also has a completely different technical background. Specifically, it prevents the starter relay from remaining switching on when no starting process takes place. In this regard, the signals of a speed sensor are evaluated, which after a start, must reach a determined value. Depending on the measured battery state compared with a mean value, the further starter control is performed.

According to claim 11 of the present application, the circuit includes a computer (19) that is disposed in the control circuit of the starting relay (4), a memory circuit (2) disposed between the computer (19) and the starting relay (4). Further, the memory circuit of the present invention, as defined in claim 11, is embodied to maintain the existing control signal (STEN) for the starting relay (4) during a chronologically limited undervoltage of the battery (20).

Thus, with the present invention the starting process is not interrupted, rather the starting process is advantaged, also with undervoltage, at least until a time limit expires.

The Applicants therefore respectfully submit that claims 11 and 14-20 are not anticipated by Mingo under the requirements of Section 102. Anticipation requires the present in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984)(emphasis added). Mingo cannot be viewed as anticipatory of the present invention, since it fails to disclose every limitation of claim 11. A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. Absence from the reference of any claimed element has been held to negate anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).


Likewise, since the primary reference to Mingo fails to disclose the above elements, the combination of Mingo and Kaiser does not render obvious the subject matter of claims 12 and 13, which depend from allowable claim 11.

For the reasons set forth above, the Applicants respectfully submit that claims 11-20 are indeed patentable over the cited references. The Applicants further request withdrawal of the rejections under Section 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700